

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 3/15/10 Monday Dept: 1A**

**(Posted 3/09/10)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: CF8495 [M] CAPITAL ONE BANK USA v FOGG  
Type: COLLECTIONS Date Filed: 03/11/09  
Priority Info: RULE 3.740  
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: CAPITAL ONE BANK USA NA ATTY: MANN BRACKEN LLC  
DEFNDT: FOGG, CINDY  
Service Date/Type: 06/28/09 SUB 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 7/19/10.

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2. **1:00 PM** Case: CV34490 [S] HUNTER v RE/MAX  
Type: BREACH OF CONTRACT Date Filed: 03/10/08  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: HUNTER, NATHANAEL ATTY: FOLEY LAW OFFICES, KENNETH M.  
PLNTFF: HUNTER, NICOLE ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: R E BY JONES INC A CALIFORNIA COR ATTY: NELSON, ROBERT D. ESQ.  
Service Date/Type: 03/25/08 PER Answer Date: 07/03/08  
DBA: RE/MAX IN THE COUNTRY  
DEFNDT: ROGERS, HEDY ATTY: NELSON, ROBERT D. ESQ.  
Service Date/Type: 03/25/08 PER Answer Date: 07/03/08  
DEFNDT: RODRIGUEZ, TRACY ATTY: SCOTT & NICHOLS  
Service Date/Type: 04/08/08 PER Answer Date: 06/18/08  
DEFNDT: RODRIGUEZ, FELIPE ATTY: SCOTT & NICHOLS  
Service Date/Type: 04/08/08 PER Answer Date: 06/18/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 3 day jury trial.

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3. 1:00 PM Case: CV35261 [S] MCMIHELK v AMERICAN HOME MORT  
Type: FORECLOSURE Date Filed: 11/25/08  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
Event: CONT'D OSC RE: FILING COMPLIANCE

\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
03/16/10 9:00 1 AMERICAN HOME MORTGAGE'S DEMURRER TO  
1ST AMENDED COMPLAINT  
03/16/10 10:00 1 HSBC BANK'S MOTION FOR TERMINATING  
SANCTIONS

Related cases NOT on this calendar: CF8283 , 10CV36507 ,  
PLNTFF: MCMIHELK, DALE ATTY: IN PRO PER  
PLNTFF: MCMIHELK, DENA ATTY: IN PRO PER  
DEFNDT: AMERICAN HOME MORTGAGE SERVICING ATTY: SEVERSON & WERSON  
Service Date/Type: 07/24/09 PER 00/00/00  
DEFNDT: OPTION ONE MORTGAGE CORPORATION  
Service Date/Type: 07/24/09 PER 00/00/00  
DEFNDT: FINANCIAL TITLE COMPANY  
DEFNDT: FIDELITY NATIONAL TITLE COMPANY ATTY: FIDELITY NATIONAL TITLE COMPA  
Service Date/Type: 07/24/09 PER 00/00/00  
DEFNDT: HSBC BANK USA NATIONAL ASSOCIATIO ATTY: SEVERSON & WERSON  
Service Date/Type: 12/26/08 PER Answer Date: 02/09/09  
DEFNDT: SG MORTGAGE SECURITIES TRUST 2006

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 6/14/10.

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4. 1:00 PM Case: CV35546 [S] GRIGGS v PERRY  
Type: PI-NON MOTOR VEHICLE Date Filed: 03/12/09  
Event: CONT'D OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
Event: FURTHER CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: GRIGGS, NICHOLAS ATTY: DREYER BABICH BUCCOLA CALLAHA  
PLNTFF: GRIGGS, KATHRYN ATTY: DREYER BABICH BUCCOLA CALLAHA  
DEFNDT: PERRY, C BRANDON  
DEFNDT: HATLER, MELVIN  
DEFNDT: THE HATLER FAMILY TRUST

Tentative Ruling: Plaintiff has filed for bankruptcy protection. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 9/20/10.

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5. 1:00 PM Case: CV36152 [S] HUGHES v ZAHRA  
Type: QUIET TITLE Date Filed: 10/16/09  
Event: CASE MANAGEMENT CONFERENCE

PLNTFF: HUGHES, JOY L ATTY: WEISBERG, MICHAEL ESQ  
DEF/NDT: ZAHRA, THAIER  
Service Date/Type: 01/13/10 SUB 00/00/00  
AKA: ZAHRA, ABDUL

Tentative Ruling: This matter appears to be proceeding by default. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 6/14/10.

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6. 1:00 PM Case: CV36229 [S] CAMARGO v ESTOESTA M.D.  
Type: WRONGFUL DEATH - NMV Date Filed: 11/09/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CAMARGO, PAMELA ATTY: MASTAGNI HOLSTEDT & AMICK  
PLNTFF: ESTATE OF RALPH CAMARGO  
PLNTFF: CAMARGO, MARCUS  
MINOR: CAMARGO, SELENA ATTY: MASTAGNI HOLSTEDT & AMICK  
GDN/AL: CAMARGO, PAMELA  
MINOR: CAMARGO, APRIL ATTY: MASTAGNI HOLSTEDT & AMICK  
GDN/AL: CAMARGO, PAMELA  
DEFNDT: ESTOESTA, BENEDICTO M M.D. ATTY: DONNELLY NELSON DEPOLO & MURR  
Service Date/Type: 00/00/00 Answer Date: 12/23/09  
DBA: CENTER FOR INTEGRATIVE MEDICIN  
DEFNDT: BENEDICTO M. ESTOESTA, M.D. INC ATTY: DONNELLY NELSON DEPOLO & MURR  
Service Date/Type: 00/00/00 Answer Date: 12/23/09  
DEFNDT: MARK TWAIN ST. JOSEPH'S HEALTHCAR  
Service Date/Type: 12/18/09 PER 00/00/00  
DEFNDT: MARK TWAIN ST. JOSEPH'S HOSPITAL  
Service Date/Type: 12/17/09 PER 00/00/00

Tentative Ruling: Plaintiff anticipates adding a new party ("CHW"). The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 7/19/10.

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7. **1:30 PM** Case: CV34515 [S] STINNETT v STINNETT JR  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/17/08  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: STINNETT, LAURI ATTY: VALEN LAW OFFICES, MARK  
RESP: STINNETT JR, CHARLES ATTY: YANKOVSKY, KRISTINE ESQ  
Service Date/Type: 00/00/00 Answer Date: 05/15/08

Tentative Ruling: There is a judgment on child custody entered 6/2/09. The remaining issues may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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8. **1:30 PM** Case: CV34771 [S] EARL v EARL  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/10/08  
At-Issue Date: 00/00/00 Trial: 03/10/10 COURT TRIAL - SHORT CAUSE  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: EARL, JASON R ATTY: SALAZAR, ANTHONY T. ESQ  
MINOR: EARL MINORS P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: EARL, SHERRIE LYNN ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 09/19/08  
ASSOC: CILENTI, STEVEN ESQ

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference on Remaining Issues (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 5/17/10.

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9. **1:30 PM** Case: CV34791 [S] BIANCO v BIANCO  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/18/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BIANCO, KAMA ATTY: IN PRO PER  
RESP: BIANCO, MARK  
Service Date/Type: 12/07/08 PST 00/00/00

Tentative Ruling: The parties are not divorced. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 9/20/10.

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10. 1:30 PM Case: CV35113 [S] SOUZA v SOUZA  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/01/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: SOUZA, GLORIA J ATTY: AIROLA & AIROLA  
RESP: SOUZA, JAMES A ATTY: PAGE, HELEN O. ESQ  
Service Date/Type: 10/28/08 PER Answer Date: 11/07/08

Tentative Ruling: It appears this matter may be settled. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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11. 1:30 PM Case: CV35573 [S] WILLIS v WILLIS  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/23/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35590 , C13958 , CV35846 ,  
PETNR: WILLIS JR, JOHN S ATTY: IN PRO PER  
MINOR: WILLIS MINORS P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: WILLIS, SUSAN M ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 04/23/09

Tentative Ruling: There is a child custody judgment entered 1/12/10. Petitioner is ordered to serve and file Preliminary and Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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12. 1:30 PM Case: CV35610 [S] PETERSON v PETERSON  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 04/07/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: PETERSON, MARK F. ATTY: IN PRO PER  
RESP: PETERSON, ROBERTA

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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13. 1:30 PM Case: CV35650 [S] FLORES v FLORES  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/22/09  
At-Issue Date: 00/00/00 Trial: 12/17/09 COURT TRIAL - SHORT CAUSE  
Priority Info: CUSTODY/VISITATION BIFURCATED  
Event: FURTHER CASE MANAGEMENT CONFERENCE  
03/23/10 11:00 1 TRIAL CONFIRMATION CONFERENCE  
\*COUNSEL MAY APPEAR TELEPHONICALLY\*  
03/25/10 9:00 1 ON-GOING COURT TRIAL RE BIFURCATED  
CUSTODY AND VISITATION ISSUES  
HON JOHN E MARTIN \*CIVIL PRIORITY\*

PETNR: FLORES, KRISTEN L ATTY: CHAVEZ-OCCHOA LAW OFFICES INC.  
RESP: FLORES, EMERICK E ATTY: GIBSON JR., RICHARD ESQ.  
Service Date/Type: 00/00/00 Answer Date: 07/13/09

Tentative Ruling: The trial on 3/25/10 is confirmed. The matter is set for Settlement and Trial Setting Conference on Remaining Issues(See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 5/17/10.

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14. 1:30 PM Case: CV35688 [S] PARKER v PARKER  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/05/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV25999 , CV31598 ,

PETNR: PARKER, KYM ATTY: IN PRO PER  
RESP: PARKER, JOSH

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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15. 1:30 PM Case: CV35834 [S] ANDERSON v ANDERSON  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/22/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: ANDERSON, ANN F ATTY: TRIFILO, JOHN J. ESQ  
RESP: ANDERSON, WILLIAM R ATTY: IN PRO PER  
Service Date/Type: 06/29/09 PER Answer Date: 02/26/10

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 7/19/10.

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16. 1:30 PM Case: CV35938 [S] WEIKUM v WEIKUM  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/30/09  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases on this calendar: CV35942 ,  
PETNR: WEIKUM, BRYAN ATTY: CALDERWOOD, BRUCE G ESQ  
RESP: WEIKUM, RONDA

Tentative Ruling: The Court presumes the parties will file a stipulation to consolidate the two actions pending before this court in which each party is currently a petitioner and no responses have been filed therein (See cases CV35938 and CV35942). Thereafter, the parties are to provide Declarations of Disclosure (FL-141) in the lead case file prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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17. 1:30 PM Case: CV35942 [S] WEIKUM v WEIKUM  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/07/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases on this calendar: CV35938 ,  
PETNR: WEIKUM, RONDA ELENE ATTY: CILENTI, STEVEN ESQ  
RESP: WEIKUM, BRYAN ANDREW ATTY: CALDERWOOD, BRUCE G ESQ  
Service Date/Type: 08/31/09 NAR 00/00/00  
CLAMNT: EAST BAY MUNICIPAL UTILITY DISTRI ATTY: MATTHEW, MARIA LOURDES ESQ.  
Service Date/Type: 10/08/09 NAR 00/00/00

Tentative Ruling: The Court presumes the parties will file a stipulation to consolidate the two actions pending before this court in which each party is currently a petitioner and no responses have been filed therein (See cases CV35938 and CV35942). Thereafter, the parties are to provide Declarations of Disclosure (FL-141) in the lead case file prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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18. 1:30 PM Case: CV35960 [S] WILSON v WILSON  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/11/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: WILSON, AMANDA M. ATTY: IN PRO PER  
RESP: WILSON, JOSEPH M.  
Service Date/Type: 09/04/09 PER 00/00/00

Tentative Ruling: The parties are not divorced. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 6/14/10.

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19. 1:30 PM Case: CV36215 [S] WILSON v WILSON  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 11/04/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV34875 , CV35171 ,  
PETNR: WILSON, LESLEY ATTY: IN PRO PER  
RESP: WILSON, BRETT  
Service Date/Type: 11/13/09 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 6/14/10.

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20. 1:30 PM Case: CV36220 [S] LANTHIER v LANTHIER  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/04/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: LANTHIER, DANA MILGRIM ATTY: BECHELLI LAW OFFICES, F. JOSE  
RESP: LANTHIER, MARC  
Service Date/Type: 11/09/09 PER Answer Date: 12/09/09

Tentative Ruling: Petitioner requests the matter be set for settlement conference. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. Provided the ordered disclosures are on file, the matter will proceed at a Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 4/19/10.

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21. 1:30 PM Case: CV36243 [S] CHAVEZ-OCHOA v HERNANDEZ  
Type: LEGAL SEPARATION WITH MINOR CH Date Filed: 11/12/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: CHAVEZ-OCHOA, JENNIFER L ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
RESP: HERNANDEZ, RICHARD J ATTY: IN PRO PER  
Service Date/Type: 11/30/09 PER 00/00/00

Tentative Ruling: There are temporary custody and support orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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22. 1:30 PM Case: CV36244 [S] SKAAR v ANDERSON  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 11/12/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases on this calendar: CV36245 ,  
PETNR: SKAAR, SARA ATTY: IN PRO PER  
RESP: ANDERSON, BRYAN ATTY: IN PRO PER

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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23. 1:30 PM Case: CV36245 [S] SKAAR v ANDERSON  
Type: PETITION FOR CUSTODY & SUPPORT Date Filed: 11/12/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases on this calendar: CV36244 ,  
PETNR: SKAAR, SARA ATTY: IN PRO PER  
RESP: ANDERSON, BRYAN ATTY: IN PRO PER

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/14/10.

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24. 1:30 PM Case: FL24169 [S] SALAVERRIA v SALAVERRIA  
Type: DO NOT USE: DISSO OF MARRIAGE Date Filed: 07/09/97  
Event: COURT'S MOTION TO DISMISS PER CCP 3.1385

PETNR: SALAVERRIA, MARIA ATTY: IN PRO PER  
RESP: SALAVERRIA, RICARDO ATTY: IN PRO PER  
Service Date/Type: 09/17/97 PER Answer Date: 11/20/97

Tentative Ruling: This matter is not appropriate for dismissal as the \$586 spousal support order of 11/13/97 for this long term marriage is still in effect. Additionally, a trial on custody was held 11/14/97 resulting in a permanent custody order. The parties are not divorced. The motion to dismiss is denied. No further case management hearings will be set at this time.

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